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November 8, 2004

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Reply Comments
Cross Plains, TX (MB Docket No. 04-348)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Reply Comments for MB Docket No. 04-348, Cross Plains,
Texas.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

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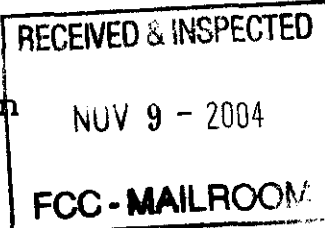
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Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No.04-348
Table of Allotments) RM-10718
FM Broadcast Stations)
(Cross Plains, TX)

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

REPLY COMMENTS OF CHARLES CRAWFORD

I, Charles Crawford, hereby respectfully submit this
Reply to the Counterproposal filed October 25, 2004 by
Munbilla Broadcasting Properties, Ltd., in the above
captioned proceeding.

DISCUSSION

Cherokee, Texas is a community for FM allotment purposes

In their Counterproposal, Munbilla proposes a number
of changes to the FM Table of Allotments. Included in
these changes is the proposed replacement of the vacant
Channel 293C3 at Llano, Texas with Channel 284C3. This
change conflicts with a pending Petition for Rule Making to
add Channel 285A at Cherokee, Texas. Munbilla contends
that Cherokee, Texas does not qualify as a community for FM
allotment purposes. I disagree. Cherokee, Texas is a

community that has the characteristics that the Commission equates with community status for allotment purposes and is deserving of an FM allotment.

Cherokee, Texas is a farming and ranching center located on State Highway 16 some 24 kilometers south of San Saba in southern San Saba County. The permanent townsite of Cherokee, Texas was laid out in 1878 by David Seth Hanna. The city boundaries for Cherokee were provided by the County of San Saba County Administrative Assistant.¹ (See, Exhibit A) The reference coordinates for the proposed Channel 285A at Cherokee, Texas are: 30 58 00 N / 98 50 00 W. At these coordinates, Channel 285A clearly provides complete city grade coverage to the community of Cherokee, Texas. (See, Exhibit B)

Cherokee has its own post office, Postmaster Stacy Vierus,² which provides residential delivery to Cherokee residents. (See, Attachment C) Additionally, Cherokee has its own zip code (76832). (See, Exhibit D) According to the Texas Almanac 2004-2005, the population of Cherokee is 175 people with 25 business that have been given a credit rating by Dun & Bradstreet as of November 2002. (See,

¹ County of San Saba, County Courthouse, 500 East Wallace, San Saba, Texas 76877, Tele: (325) 372-3635, Email: adminasst@sansabacounty.org

² US Post Office, 206 N. Hwy 16, Cherokee, Texas 76832, Postmaster Stacy Vierus (325) 622-4566.

Exhibit E)

The Cherokee Independent School District, home of the "Fighting Indians", covers 242 square miles in the southern part of the San Saba County and only serves the city of Cherokee and the surrounding rural areas. The Cherokee ISD serves a K-12 population with a student-teacher ratio of 7.84 students per teacher. There is a computer lab in the elementary school and two on the high school campuses, and an Info-Net technology room. All classrooms have two computers that have internet access through a T1 line. The school also has a satellite dish linked to the Texas Education Agency through T-Star and can direct feed into each classroom.

The Cherokee ISD is not only know for its academic excellence, but its excellence in sports, such as, Six-Man Football, Basketball, Track and Field, Tennis and Golf. Cherokee has had success in each of these sports and has qualified for post-district in each one of these. (See, Exhibit F) According to the Postmaster Ms Vierus, the community is very involved with the school and their athletic programs. This passion, involvement and identification by Cherokee residents with the community of Cherokee and its school football team, the "Cherokee

Fighting Indians", is demonstrated in a November 5, 2004 article from the San Saba News, titled "Cherokee Indians Hang Tough with Calvert". The article begins with "The Indian fans drove 150 miles to see the two top teams in District 16 lay it on the line last Friday night." (See, Exhibit G)

In 2001, 2002 and 2003, the Cherokee Independent School District received exemplary designation from the State of Texas in academic achievement. This is an accomplishment that would not have been possible without a very strong Parent Teacher Association.³ The school also has a "District Improvement Plan" which consists of a Site Base Decision Making Planning Committee, consisting of Cherokee community members. (See, Exhibit H) Other school organizations which involve the community are, the Cherokee High School Booster Association⁴ and the Cherokee High School Christian Athletes Association.⁵

The Church of Christ runs the "Cherokee Home for the Children" established in 1958. It's current Administrator is Danny Dugan and office manager is Ms Netty Jean Randolph.⁶ This organization provides shelter for troubled

³ Malaina Jesko, President of the Cherokee Parent Teacher Association, (325) 622-4448.

⁴ Susan Broyles, acting member of the Cherokee High School Booster Association, (325) 372-5183.

⁵ Coach Clint Miller, acting member of the Cherokee High School Christian Athletes Association.

children that are having difficulties or encounter an unsafe environment at home. The Home has two cottages, one for the boys and one for girls which are located about one half mile north of the Cherokee City Boundaries on Hwy 16. Ages range from three to seniors. The Home currently has 24 children enrolled at this time.

Like other "communities" to which the FCC has allotted a "first local aural service," Cherokee also has three local churches, the Cherokee Church of Christ, the Cherokee Baptist Church and the Cherokee First United Methodist Church. (See, Exhibit I) Civic pride and a sense of community identity is demonstrated by the fact that a number of commercial business use the word Cherokee in their title, such as the Cherokee Saddlery & Trading Company, Cherokee Grocery, Cherokee Feed Store and Cherokee Station. (See, Exhibit J) Cherokee also has its own volunteer fire department (See, Exhibit K) and a Ladies Auxiliary Volunteer Fire Department that began in 1986.⁷ Cherokee's "sense of community" derives from the fact that there is no other nearby town to serve the needs of area ranchers and farmers. Cherokee residents actively support

⁶ Netty Jean Randolph, office manager, Cherokee Home for Children, (325) 622-4201.

⁷ Earlene Meerschaert, acting member of the Cherokee Ladies Auxiliary Volunteer Fire Department. (325) 622-4560.

both the Cherokee School activities, such as the PTA and the Cherokee Athletic Booster Association and the Cherokee Volunteer Fire Department. Just another example of community involvement is the notation at the bottom of the "Welcome to Cherokee Elementary" sign which reads, Playground made possible by LCRA Grant and Community Volunteers. (See, Exhibit L) On September 11th, 2004, the Cherokee Volunteer Fire Department held its "20th Annual Fundraiser" at the red and white fire station. The annual community event which began at 6:00pm included catfish, BBQ and Country Western music. The raffle ticket drawing was held at 8:00pm and prizes included a quilt made by the "Cherokee Ladies Annual Auction Quilting Club"⁸ and a \$250 gift certificate from Cherokee Grocery. According to Ms Stacy Vierus, the Cherokee Postmaster, community meetings are held in either the school gym or at the Fire Station.

The "Cherokee Fall Festival" is a community event which is held every year on the last Saturday of October. This is a very special community event which features a chili supper, pumpkin carving contests, carnival, etc. After the general event, the children of Cherokee and the community celebrate Halloween with the children going from house to house trick or treating in Cherokee. The

⁸ Carolyn Perry, acting member of the Cherokee Ladies Annual Auction Quilting Club. (325) 622-4238.

community of Cherokee celebrates Halloween on this date and not on the traditional 31st of October. The organizer of the "Cherokee Fall Festival" is Cherokee Parent Teacher's Association.⁹

Although Cherokee is admittedly a small town, it is clearly an "identifiable population grouping" and because the one hundred and seventy five residents have no other nearby town to turn to for daily services, Cherokee qualifies as a "community" for FCC allotment purposes. See Semora, North Carolina, 5 FCC Rcd 934 (1990) ("community" found even where no local schools and population estimated at only 150).

Moreover, Cherokee is not a small town on the fringe of some larger urban (or even rural) community. See Cal-Nev-Ari et al., Docket No. 93-279, Memorandum Opinion and Order, released October 8, 1999 (Application for Review granted) ("community" found where there were two population groups totaling about 350 persons on either side of road, even though there were no local schools or any local civic group). As in Cal-Nev-Ari, Cherokee is more than 24 kilometers from any town of comparable size and has a number of businesses, churches etc. that incorporate the town's

⁹ Malaina Jesko, President, Cherokee Parent Teacher's Association. (325) 622-4448.

name into their names. Indeed, Cherokee has more of the social and economic indicia of a "community" than existed in either the Semora or the Cal-Nev-Ari cases.¹⁰ In sum, the evidence establishes that Cherokee - whose post office dates back to May 12, 1846, is a distinct geographical population grouping that qualifies under FCC precedent as a "community" for allotment purposes.

According to the San Saba County web site, there are 4 cities in San Saba County; San Saba, Cherokee, Richland Springs and Bend. The city of Cherokee has the distinction and recognition of being the only city with a link on the San Saba County Chamber of Commerce Web Site other than the city of San Saba. (See, Exhibit M)

Allotment of Channel 259A to Cherokee, TX would provide that community with its first local transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should the Commission grant the Cross Plains, Texas petition and allot Channel 294A to Cross Plains, Petitioner will apply for Channel 294A at Cross Plains and after it is authorized, will promptly construct the new

¹⁰ Unlike Cherokee, the community of Cal-Nev-Ari had no local school system, no churches nor any local civic organization. The population of Cherokee is more than that of Semora, NC, and Cherokee has more churches than did Semora.

facility. Additionally, if the petitions to add Channel 285A at Cherokee, Texas and or Channel 284A at Bertram, Texas are included within the Cross Plains proceeding and should the Commission grant 285A at Cherokee and or 284A at Bertram, Petitioner will apply for Channel 285A at Cherokee and or Channel 284A at Bertram and after they are authorized, will promptly construct each of these new facilities.

The factual information provided in these Reply Comments is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

November 8, 2004

Exhibit A

(City boundaries for Cherokee, Texas)

BYRON THEODOSIS
COUNTY JUDGE

KIM WELLS
DISTRICT AND COUNTY CLERK

ROGER CROCKETT
COMMISSIONER PRECINCT 1

RICKEY LUSTY
COMMISSIONER PRECINCT 2

WAYLAND PERRY
COMMISSIONER PRECINCT 3

ROGER McGEHEE
COMMISSIONER PRECINCT 4

JOHN L. WELLS
SHERIFF, TAX ASSESSOR-COLLECTOR

DAVID M. WILLIAMS
COUNTY ATTORNEY



COUNTY OF SAN SABA
SAN SABA, TEXAS 76877

GAYLA HAWKINS
COUNTY TREASURER

NEAL ALEXANDER
COUNTY AGENT

CAROLYN McDOWELL
FAMILY & CONSUMER SCIENCE

LESLIE DAWSON
JUSTICE OF THE PEACE

GUILFORD L. JONES III
DISTRICT JUDGE

SAM OATMAN
DISTRICT ATTORNEY

FRED HARDY
VETERANS SERVICE OFFICER

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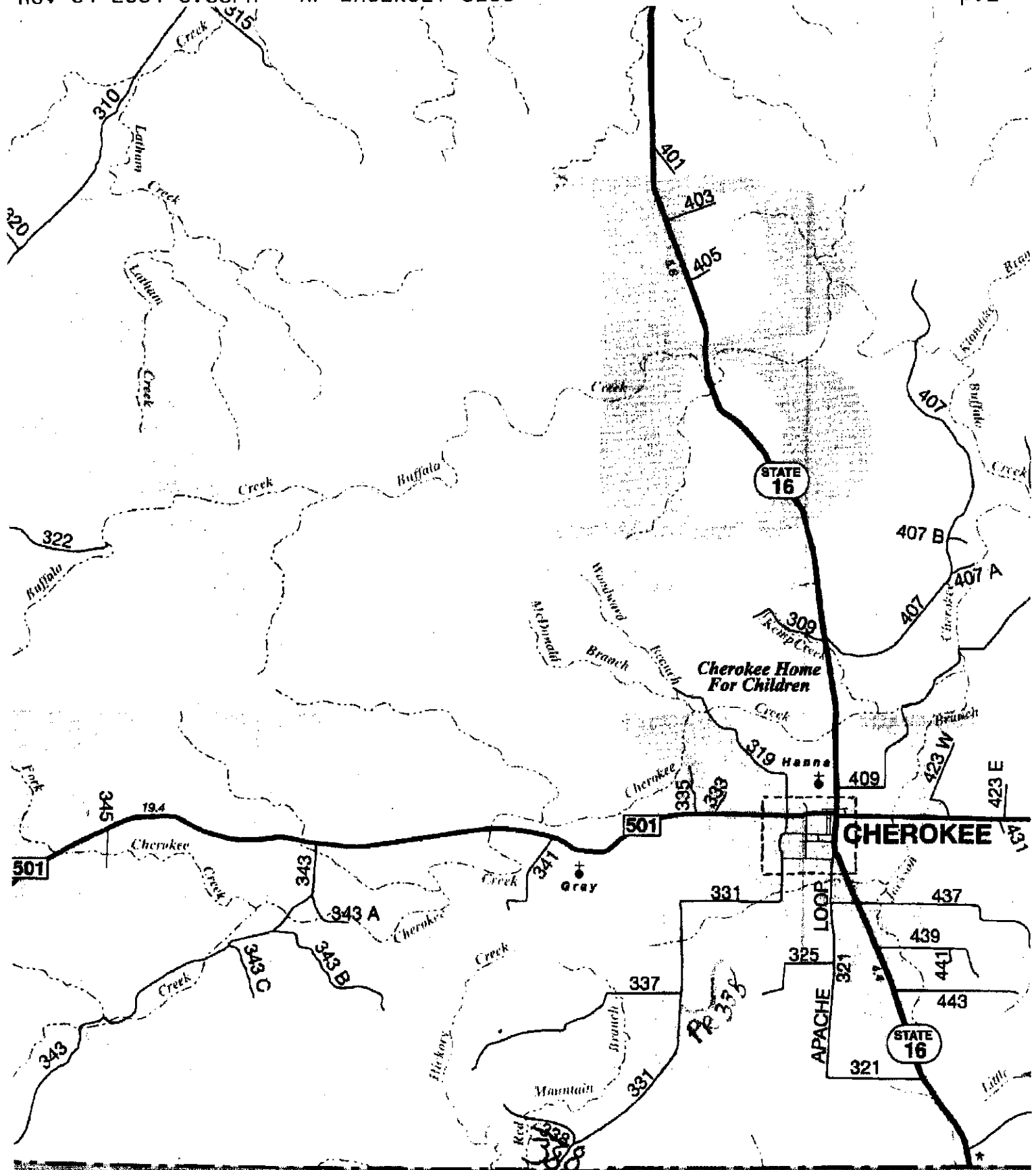
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TELEPHONE: 325-372-3635
FAX: 325-372-6484

EMAIL ADDRESS:
adminasst@sansabacounty.org
judge@sansabacounty.org

COUNTY COURTHOUSE
500 EAST WALLACE



L E A N O

Cherokee, TX City Boundaries

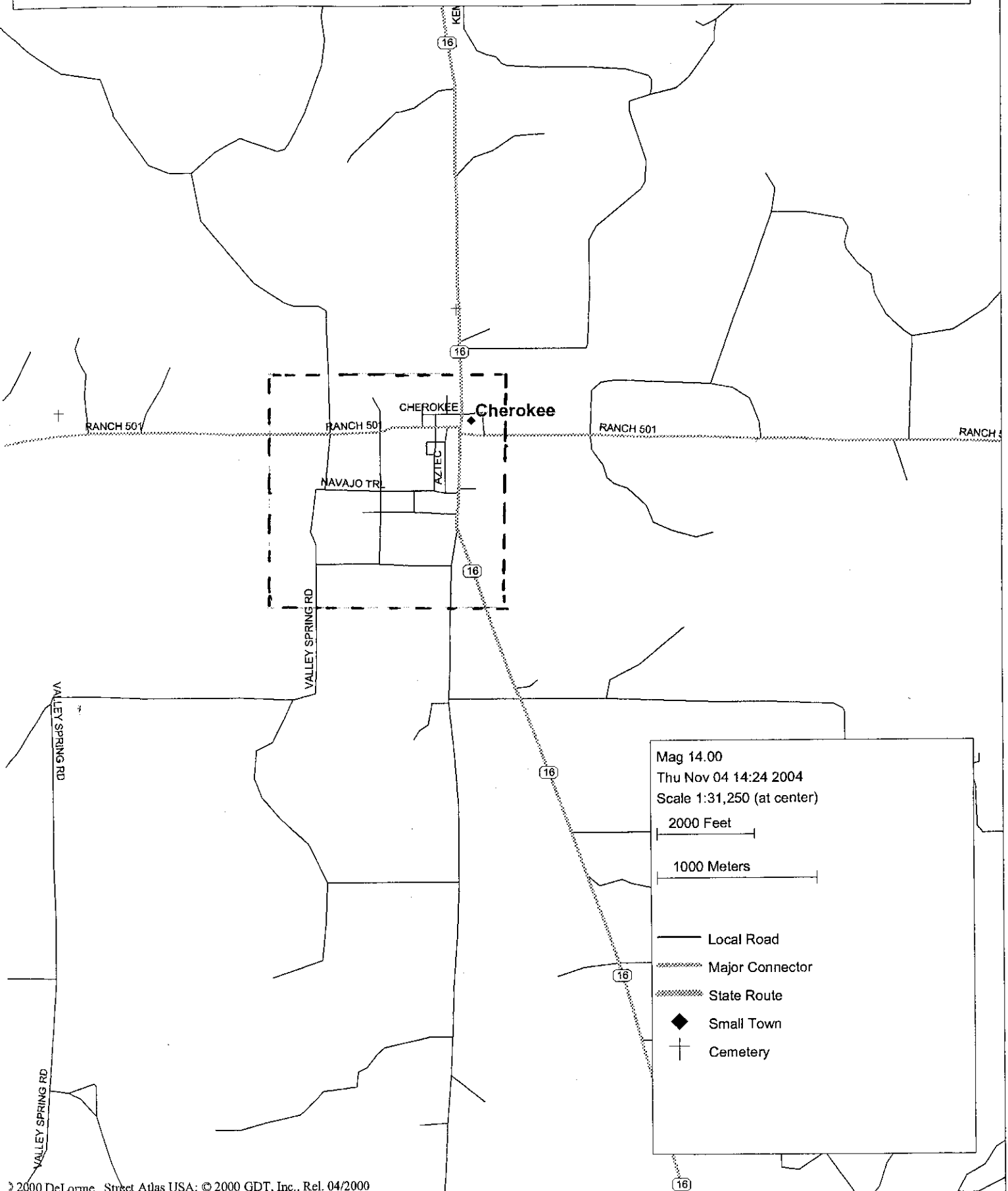
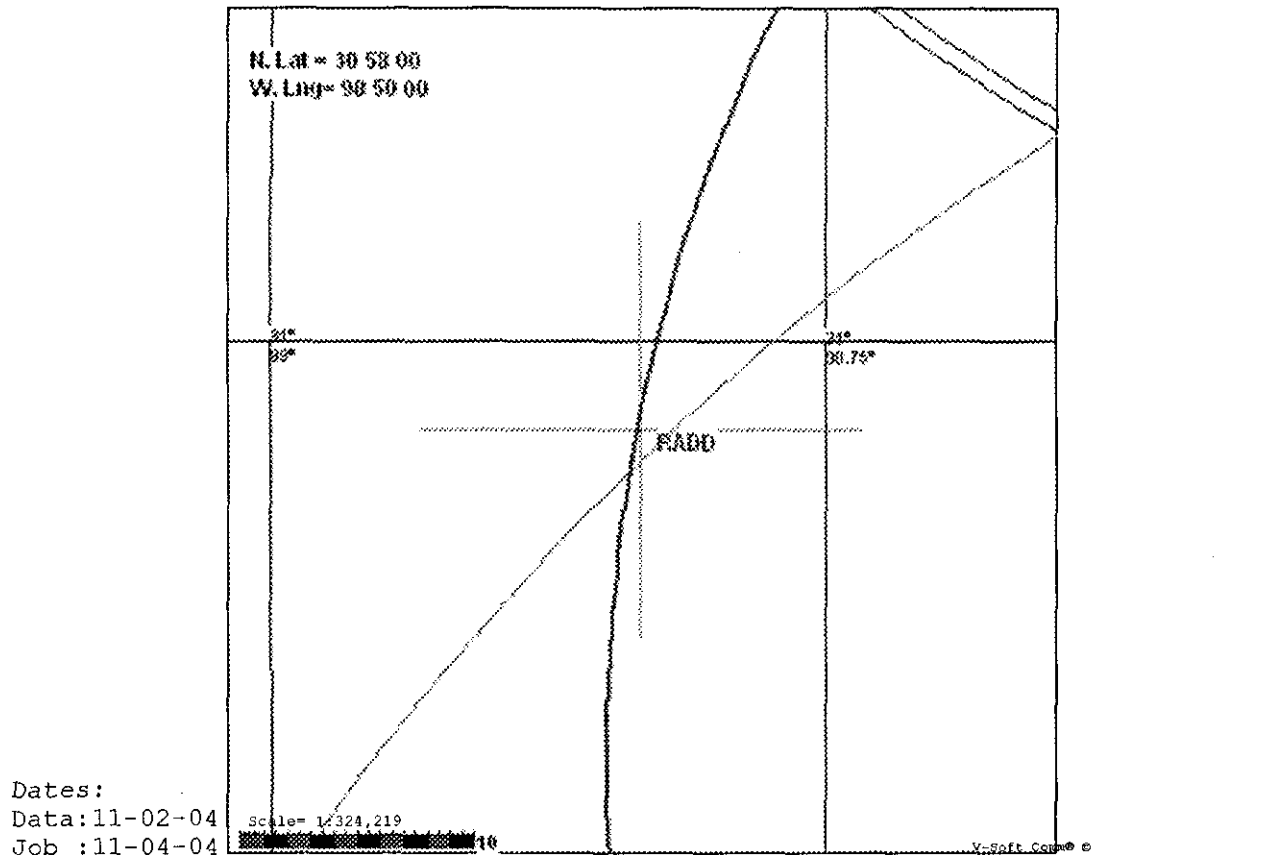


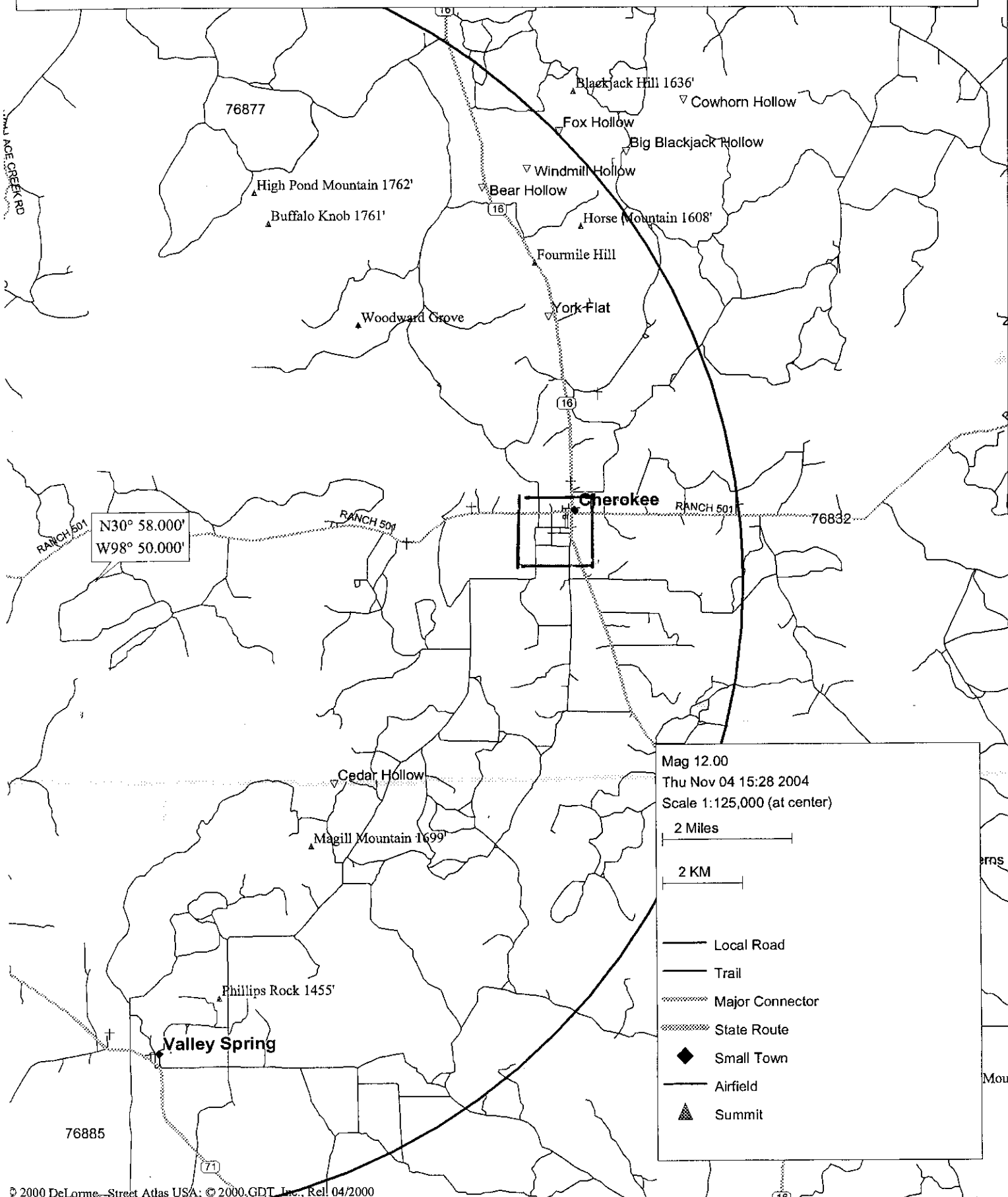
Exhibit B

(70 dBu coverage map of Channel 285A at Cherokee, Texas at
the proposed Petition for Rule making reference
coordinates)

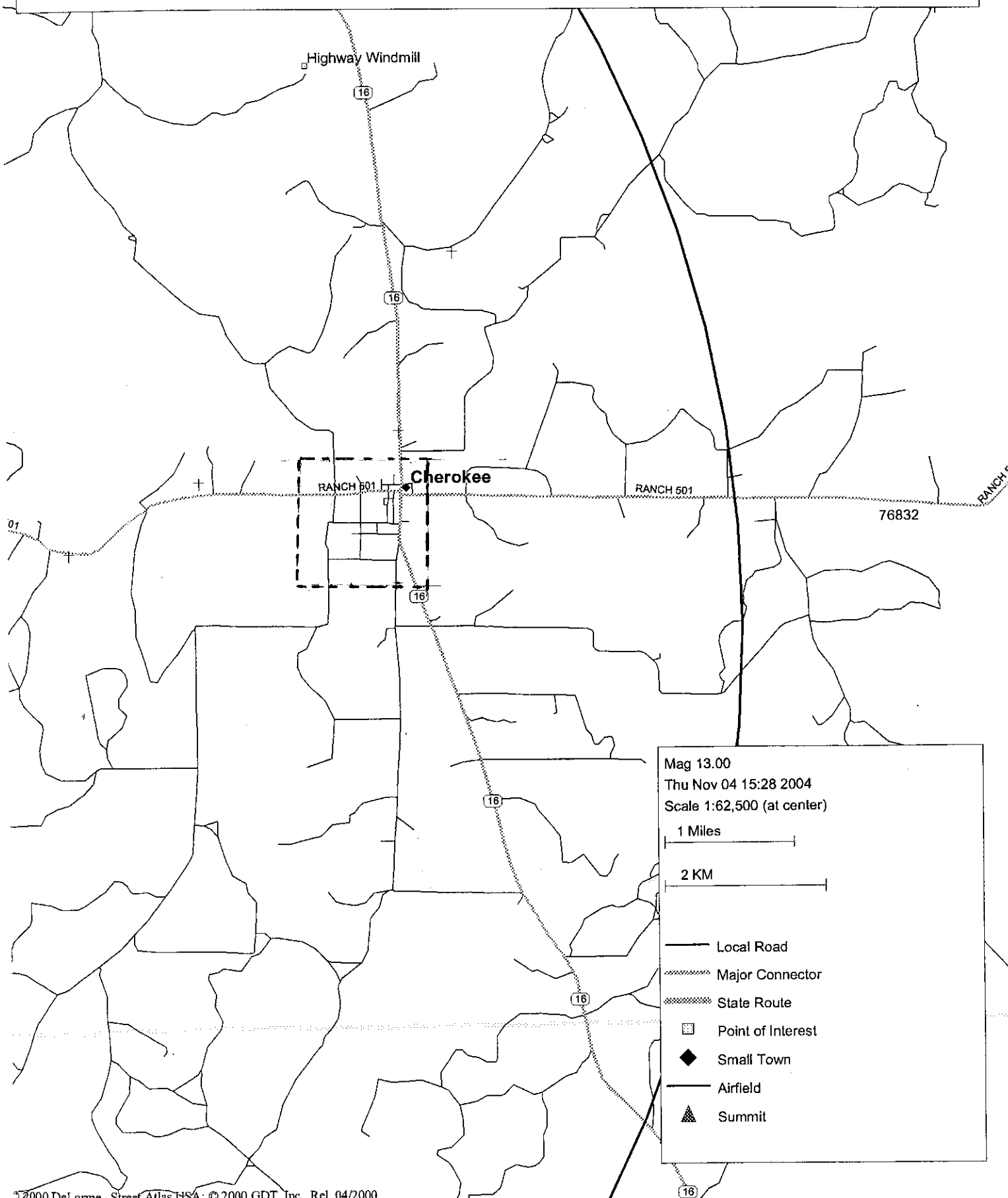


Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	285A	ADD	Cherokee	TX	0.00	0.0	115.0	-115.00
KXXS	285C2	LIC	Marble Falls	TX	80.82	135.9	166.0	-85.18
RADD	284A	ADD	Bertram	TX	71.89	101.1	72.0	-0.11
AL285	285A	RSV	Dripping Springs	TX	115.97	137.2	115.0	0.97
KXXS.C	285A	CP	Dripping Springs	TX	115.97	137.2	115.0	0.97
RADD	285A	ADD	Hico	TX	135.20	33.9	115.0	20.20
RADD	285A	ADD	Hico	TX	135.90	33.8	115.0	20.90
ALLO.V	285C1	VAC	Ozona	TX	221.02	263.2	200.0	21.02
AL284	284A	VAC	Blanket	TX	95.08	2.7	72.0	23.08
RDEL	284A	DEL	Blanket	TX	95.08	2.7	72.0	23.08
KEANFM	286C1	LIC	Abilene	TX	162.16	333.9	133.0	29.16
RDEL	284A	DEL	Junctoin	TX	104.59	238.5	72.0	32.59
AL284	284A	VAC	Junction	TX	104.59	238.5	72.0	32.59
RADD	284A	ADD	Blanket	TX	106.02	1.6	72.0	34.02
RDEL	285A	DEL	Meridian	TX	156.75	43.5	115.0	41.75
RDEL	285A	DEL	Meridian	TX	156.75	43.5	115.0	41.75
VA285	285A	VAC	Meridian	TX	156.75	43.5	115.0	41.75
AL288	288C3	VAC	Santa Anna	TX	87.39	327.2	42.0	45.39
RADD	282A	ADD	Early	TX	85.12	346.4	31.0	54.12
AL285	285A	VAC	Eldorado	TX	169.29	266.4	115.0	54.29
KUSJ	288C2	LIC	Harker Heights	TX	114.89	88.6	55.0	59.89
AL287	287C3	VAC	Menard	TX	102.47	264.5	42.0	60.47
AL282	282A	VAC	Santa Anna	TX	94.91	329.7	31.0	63.91
KRVL	232C2	LIC	Kerrville	TX	84.27	200.0	15.0	69.27
VA283	283A	VAC	Eden	TX	100.33	286.5	31.0	69.33
AP283	283A	APP	Eden	TX	101.82	286.4	31.0	70.82

Cherokee, TX CH 285A 70 dBu



Cherokee, TX CH 285A 70 dBu



Mag 13.00
Thu Nov 04 15:28 2004
Scale 1:62,500 (at center)

1 Miles

2 KM

Local Road

Major Connector

State Route

Point of Interest

Small Town

Airfield

Summit

Exhibit C

(Cherokee, Texas - Post Office)



Exhibit D

(Cherokee, Texas Zip Code)

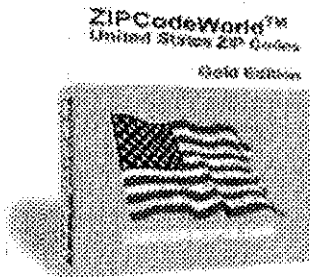
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76832 Cherokee Texas TX

Zip Code	76832
City Name	Cherokee
State	Texas TX
Area Code	325 915
County Name	San Saba
County FIPS Code	411
Timezone	6
Day Light Saving	Y
Latitude	3
Longitude	-98.711213
Elevation	1207
MSA	
PMSA	
CBSA	
CBSA Division	
Population	645

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Exhibit E

(Texas Almanac 2004/2005)

TEXAS ALMANAC

2004-2005



Published by

The Dallas Morning News

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Bart Forbes has established himself as one of the nation's foremost illustrators. His work has appeared in many publications, including *Sports Illustrated* and *Time*. He has designed more than 20 postage stamps; among them are the Lou Gehrig and Jesse Owens stamps, as well as the "America the Beautiful" series. His work is included in many private collections, including those of Presidents Carter and Bush, and in the Ronald Reagan Presidential Library. Forbes' studio is in his Texas home, where he lives with his wife, Mary Jo. They have a daughter, Sarah, and a son, Ted, who are following in their father's creative footsteps as graphic designers.

ISBN (hardcover) 0-914511-34-3 ISBN (softcover) 0-914511-35-1

Library of Congress Control Number: 2003094976

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